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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MICHAEL W. PERTUSET,

Plaintiff

v.

DON D. JONES, et al.,

Defendants

CASE NO. C1-02-366

JUDGE SPIEGEL

NOTICE OF FILING STIPULATED ENTRY

Now comes the parties and hereto submit for the Court's consideration the attached Judgment Entry to Stay the Proceedings until such time as the Ohio Supreme Court rules upon dispositive coverage issues in the above captioned matter and thereafter permitting the parties additional time to brief the coverage issues applicable to the above captioned matter.

WHEREFORE, the parties request this Court to approve the attached Stipulated Order staying the proceedings.

/s/ Richard W. Campbell (per phone consent)

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CERTIFICATE OF SERVICE

A copy of the foregoing Notice of Filing Stipulated Entry and Order was filed via Federal Express, this 9th day of September, 2003 and by regular U.S. Mail, postage prepaid upon:

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MICHAEL W. PERTUSET,)	CASE NO. C1-02-366
)	
Plaintiff)	JUDGE SPIEGEL
v.)	
)	<u>ORDER</u>
DON D. JONES, et al.,)	
)	
Defendants)	

Upon due consideration, the motion of Defendant National Union Fire Insurance Company of Pittsburgh, PA to stay this action until the Ohio Supreme Court rules on the pending cases as *Tucker v. Wilson*, Case No. CA2002-01-002, 2002-Ohio-5142 (12th Dist., September 30, 2002), and *Keegan v. American International Group, Inc.*, Certified State Law Question, Case No. 3:02CV7127 (N.D. Ohio 2003); *Westfield Ins. Co. v. Galatis*, C.A. No. 20784 (9th Dist. Apr 3, 2002), *cert. granted* 98 Ohio St. 3d 1420, 782 N.E.2d 76 (2003); *Skala v. Grange Ins. Co.*, 2002 WL 31115067 (9th Dist., Sept. 25, 2002), *cert. granted* 98 Ohio St.3d 1420, 782 N.E.2d 76 (2003); *Burkhart v. CAN Ins. Co.*, Cas No. 2001CA00265 (5th Dist., February 25, 2002), *cert. granted*, 96 Ohio St.3d 1338, 770 N.E.2d 1048 (2002) is granted. Counsel for the parties shall notify the Court when the Supreme Court of Ohio has ruled in the above referenced cases. Upon the stay being lifted, the parties will be provided an opportunity to address coverage issues and file and/or respond to dispositive motions.

IT IS SO ORDERED:

JUDGE SPIEGEL